IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2740 OF 2004

Nawal Agarwal and three Ors. ..Petitioners
Vs.
Brihan Mumbai Mahanagar
Palika and Ors. ..Respondents

None for Petitioners
Mrs. N.V. Sanglikar for Respondents

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 13TH APRIL, 2005.

P.C.

. By order dated 20th May, 2004 the Petitioners were directed to deposit the octori and penalty as demanded in this Court and it is so deposited. The Respondents were restricted from encashing the post dated cheque lying with the Respondents.

. On 11th June, 2004 affidavit has been filed by Jaiprakash L. Joshi setting out therein that the Respondent Nos.1 and 3 have deposited the octroi amount plus five times penalty in this Court. However, there has been non-compliance in respect of some other matters. It is also pointed out that the Petitioner Nos.2 and 4 have not complied with the order of this Court.

. None present for the Petitioners. There is

nothing on record to show whether the Petitioner Nos. 2 and 4 have deposited the amount. In the light of that impugned order dated 20th May, 2004 is vacated.

. If the Respondent Corporation have not encashed the cheque deposited with them for the amount of octroi and duty in that event an application be made to the Prothonotory, Senior Master,High Court, Bombay for payment of the amounts deposited towards octroi and duty and the same be paid to the Corporation, to be adjfusted towards the dues of the Petitioners. In respect of the balance amounts or unpaid amounts by Petitioner Nos.2 and 4, it will be open to the Corporation to encash the cheques if lying with them if any amount is due and payable.

. Petition is dismissed for non-prosecution.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)